

REMARKS

Upon entry of the foregoing amendment, claims 1-24 are currently pending with claims 1, 16, and 17 being the independent claims. Claims 1, 5, 14, 15, and 16, have been amended to more clearly point out and distinctly claim the subject matter of the present invention. Claims 17-24 are new. Descriptive support for the amendment and the new claims are found in the specification as filed. The amendment is believed to introduce no new matter, and its entry is respectfully requested.

Claim 14 stands rejected under 35 U.S.C. § 112, 2nd paragraph as being allegedly indefinite. Claims 1, 5, and 16 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Benasutti et al. (U.S. Patent No. 3,949,903). Claims 2, 3, 14, and 15 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Benasutti et al. (U.S. Patent No. 3,949,903) in view of Meinert (U.S. Patent No. 3,643,688). Applicants respectfully traverse these rejections. Claims 6-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

CLAIMS 17-24 ARE ALLOWABLE:

Examiner has indicated that claims 6-13 are allowable if rewritten in independent form. Claims 17-24 include the subject matter of claims 6-13 with independent claim 17 including the subject matter of claims 1, 5, and 6. Claims 18-24 all depend from claim 17. As the examiner has indicated that claims 6-13 include allowable subject matter, the Applicants respectfully submit that claims 17-24 are now in condition for allowance.

CLAIM 14 IS DEFINITE:

Examiner has rejected claim 14 under 35 U.S.C. §112, 2nd paragraph as being allegedly indefinite. Upon entry of the above amendment, claim 14 has been amended such that there is clear antecedent basis for the term “means for selectively opening and closing the essence line“

in claim 15. Further, claim 1 has been amended such that the term “essence line” is consistently used in the claims. Therefore, Applicants request reconsideration and withdrawal of the rejection of claim 14 under 35 U.S.C. §112, 2nd paragraph.

CLAIMS 1, 5, AND 16 ARE PATENTABLE OVER THE REJECTION UNDER 35 U.S.C. § 102(B):

Claims 1, 5 and 16 have been rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Benasutti et al. Applicants request that the Examiner reconsider and withdraw the above rejection of the claims in view of the following.

Upon entry of the above amendment, independent claims 1 and 16 now include that the existing valve base receives between about 50% and 90% of the water in said water line and combines syrup from a syrup line such that the existing valve base delivers combined water and syrup into the final beverage container. Benasutti et al. does not teach an existing valve that combines water and syrup such that combined water and syrup is delivered to a final beverage container along with a combined water and essence.

Benasutti et al. teaches a apparatus for mixing flavor liquids where the strength of the flavor may be adjusted from rich to mild. Benasutti et al. only teaches the combination of two fluids, adjusting the quantity of one fluid such that the richness of the resulting beverage is controlled. However, Benasutti et al. does not teach or even fairly suggest combining three fluids in two different valves. Benasutti et al. does not disclose combining water and syrup in an existing valve and combining water and essence in remote venture valve. Benasutti et al. teaches nothing that could be used to combine syrup as recited in the claims as amended.

Therefore, Benasutti et al. fails, inter alia, to disclose each and every element of the independent claims 1 and 16. In view of the above, Applicants request reconsideration and withdrawal the rejection of claims 1 and 16 under 35 U.S.C. §102(b). Applicants believe that claims 1 and 16 are now allowable.

Applicants submit that claim 5 is also now allowable. As dependent claims inherently include all the elements of the claims from which they depend, the dependent claim 5 should also be allowable as being dependent from allowable claim 1.

CLAIMS 2, 3, 14 AND 15 ARE PATENTABLE OVER THE REJECTION UNDER 35 U.S.C. § 103(a):

Claims 2, 3, 14, and 15 have been rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Benasutti et al. in view of Meinert. Applicants request that the Examiner reconsider and withdraw the above rejection of the claims in view of the following.

Upon entry of the above amendment, independent claims 1 and 16 now include the recitation that that the existing valve base receives between about 50% and 90% of the water in said water line and combines syrup from a syrup line such that the existing valve base delivers combined water and syrup into the final beverage container. Benasutti et al. alone or in combination with Meinert fail, inter alia, to teach or even fairly suggest a device capable of combining syrup with the water in an existing valve base and water and essence in a remote venture valve as recited in claim 1.

Therefore, Benasutti et al. in view of Meinert fail, inter alia, to disclose each and every element of the claims 2, 3, 14, and 15. In view of the above, Applicants request the reconsideration and withdrawal the rejection of claims 1, 15, 17, and 18 under 35 U.S.C. §103(a). Applicants believe that claims 1, 15, 17, and 18 are now allowable.

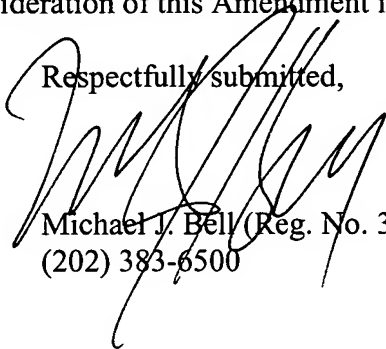
Additionally, Applicants submit that claims 2, 3, 14, and 15 are also now allowable as dependent claims. As dependent claims inherently include all the elements of the claims from which they depend, the dependent claims 2, 3, 14, and 15 should also be allowable as being dependent from allowable claim 1.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



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